

United States District Court  
District of Massachusetts

**TIMOTHY DYKENS,**

**Petitioner,**

**v.**

**PETER ALLEN, SUPERINTENDENT,**

**Respondent.**

Civil Action No.  
04-10544-NMG

# MEMORANDUM & ORDER

GORTON, J.

In a Memorandum and Order dated June 17, 2005, this Court found that Petitioner's petition for habeas corpus pursuant to 28 U.S.C. § 2254 contained partially unexhausted claims. Because this Court may not entertain a habeas petition that contains unexhausted claims, it gave petitioner the opportunity to dismiss his unexhausted claims and proceed with his exhausted claims. The Court stated that if petitioner failed to dismiss his unexhausted claims within thirty (30) days of the entry of that Memorandum and Order, the entire petition would be dismissed.

Petitioner has failed to dismiss his unexhausted claims. Therefore, in accordance with this Court's previous Memorandum and Order, this case is **DISMISSED**.

**So ordered.**

*Nathaniel M. Gorton*  
Nathaniel M. Gorton  
United States District Judge

Dated: August 3, 2005